The Atchison Topeka And Santa Fe

Between San Francisco and Chicago Via Albuquerque, and Kansas City.

Sneed Comfortand Elegance Pullman and Dining Service Unsurpassed.

Passing through the Grandest Scenery of the West F W Prince, Agent. E41 Market St. San Francis o Cal

was cocaesaa ahasa saasaa ah waasaa ahaa ka waasaa ah waa saasaa ah

Sacramento Saloon

ANDY TODD, Prop.

The best of liquid refreshments always on tap, including imported @ and demestic goods.

Good Cigars are a part of our stock.

You never make a mistake at the old corner.

The Eagle Market

46466466666666

Our Meats are the best, if you are not satisfied with the place you are trading call on us Our motto is "The Best." A pleased patron means a steady customer

The Eagle Market

ANNUAL STATEMENT

Of The Home Insurance Co. of New

York.	
Capital (paid up)\$	3,000,000 00
Assets	21.239,052 \$8
Liabilities, exclusive of c	api-
tal and net surplus	9,518,551 54
Income	
Premiums	8,785,528 49
Other sources	853,478 14
Total income, 1905	9,639,006 63
Expenditures	•
Losses	4,240,249 45
Dividends	600,000 09
Other expenditures	3,032,720 90
Total expenditures, 1905	7,872,970 35
· Business, 190	5.

Nevada Business Risks written 318,390 99

Premiums received ... Losses paid 1,983 84 Losses incurred 1.983 84 A. M. Brutis, Secretary.

ANNUAL STATEMENT

	_	_	-			
Of Business of 1	the	Nev	ada	Co.	for 1	905
Receipts						
Disbursements				. 14	7.864	57
	X.	M.	His	key.	Casi	bi s

SPECIAL EXCURSION FROM SAN FRANCISCO TO CITY OF MEXICO AND RETURN. DECEMBER 16th,

A select party is being organized Ly of \$6.990202 per census child: the Southern Pacific to leave San Francisco for Mexico City, December 16th, 1905. Train will contain fine vestibule sleepers and dining car, all the way on going trip. Time limit will be sixty days, enabling excursionists to make side trips from City of Mexico to points of interest. On return trip, stopovers will be allowed atpoints on the main lines of Mexican Central, Santa Fe or Southern Pacific. An excursion manager will be in charge and make all arrangements. Round trip rate from San Francisco

Pullman berth rate to City of Mex-

For further information address 'uformation Bureau, 613 Market street, San Francisco Cal.

For Bargains in toys go to Wiard's

at Meyers Merc. Co. tees a fit or no pay. Italian this doctrine:

Notice of Application for Permission to Appropriate the Public Waters of the State of Nevada.

Notice is hereby g iven that on the 12th day of Sept., 1905, in accordance with Section 23, Chapter XLVI, of the Statutes of 1905, one Philip V. Mighels and Frank L. Wildes of Carson, County of Ormsby and State of Nevada, made application to the State Engineer of Nevada for permission to appropriate the public waters of the State of Nevada. Such application to be made from Ash Canyon creek at points in N E % of S W % of section 10 T 15 N R 19 E by means of a dam and headgate and five cubic feet per second is to be conveyed to points in N E % of S W % of section 11. T 15 N R 19 E., by means of a flume Risks written 1,330,688,280 00 and pipe and there used to generate Premiums thereon ... 13,244,369 17 electrical power. The construction of said works shall begin before June 1, 1906, and shall be completed on or before June 1, 1907. The water shall be actually applied to a beneficial use 7,150 53 on or before June 1, 1908.

Signed: HEN .. Y THURTELL State Magineer

SCHOOL APPORTIONMENT.

STATE OF NEVADA,

Department of Education, Office of Superintendent of Public In-

Carson City, Nevada, July 11, 1905 To the School Officers of Nevada:

Following is a statement of the second semi-annual apportionmen t of School Moneys for 1905, on the basis

Ð	ar Asienama ber come	MO CMILLE.			
	ounties children		Amt		
١	Churchill	135 \$	943 68		
١	Douglass	317	2,215 90		
	Elko		7,829 02		
Į	Esmeralda A	217	1,516 %		
١	Eureka	389	2,719 2		
	Humboldt		6.16d .		
1	Lander	318	2.592		
1	Lincoln	764	5.340		
	Lyon		3,483 :		
-1	Nye		2.303 :		
	Ormsby	299	. 1		
	Storey	939	-		
,	Washoe	2,412	16,860 3		

Joe Platt has received samples oi tailor made suitings which are, without doubt the finest ever shown in where every article is cut to cost this city. A number of suits have already been made and they are fer Dill and sweet pickles, India Relish fect fits in every case. Get for Chutney Picalilli and Chows, all measure taken and do it befors the Heinz goods, best on earth, to be had best samples are gone. He guaran-

White Pine525 3,669 85

IN THE SUPREME COURT OF THE STATE OF NEVADA.

Appealed From the Fourth Judicial District Court, Elko County, No-

The State of Nevada. Plaintiff and Respondent, against

Paul Lovelace, Defendant and Appellant. Attorney General James G. Sweeney,

Attorney for State. Wm. Woodburn, Attorney for Appellant.

Defendant appeals from a judgment rendered against him in the District Court in and for Elko county for the erime of burglary; and he assigns two reasons why, as he claims, judgment rigid an interpretation.

should be reversed. First, the insufficiency of the indictment on which the judgment was i

Under the first head the point mad

said day, or the sabouts, in the County ing of this indictment, did wilfully, nalawfully and burglariously break and outer the land this of one Alexan-

re in the case as they appear filed

" thereabouts', rere words 'night s not raised robbed. time". This emestion w here prein the court below, but is

The enestion is not whether the dietment would be good "at common. law": it is whether it is good under the statute of Nevada that governs | fenthe subject. The subject is governed | amalan by the sections following concerning indictments;

Section 4199, Compiled Laws, 1900, provides that the indictment shall contain a statement of the acts constituting the offense, in ordinary and concise language, and insuch manner as to enable a person of common understanding to know what is intended.

Section 4206, Compiled Laws, 1900, has the following: "The words used in an indictment shall be construct in the usual acceptance in common language, except such words and phrases as are defined by law, which are to be construed according to their

legal meaning." Section +208, Compiled Laws, 1900, provides: Sixth-That the act or omission charged as the offense is clearly and distinctly set forth in ordinary and

concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended. Section 4209 is as follows: 'No indictment shall be deemed

insufficient, nor shall the trial, judgment, or the proceeding thereon, be affected, by reason of any defect or imperfection in matters of form. which shall not tend to the prejudice of the defendant;..... The foregoing enactments show that

it was the intention of the legislature of Nevada that in construing indictments the courts should not indulge in a too-exact and over-nice view of language; but that certainty to a common intent was all that should be required.

True, in the paragraph of the in dictment under discussion, there is something of a departure from the best models of grammatical, rhetorical or linguistic expression. But we think the paragraph meets the requirement of the statute that "the acts constituting the offense should be charged in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended." To hold the indictment not fatally bad 's we think, to keep within the statutory command, as expressed above in section 4206, or at least not to depart too far from such command, towit, to construe "in the usual accep-

tance in common language." We think the defect of the indictment complained of was such as in the language of Section 4209, above quoted was a "defect or imprefection in matter of form, which did not tend

to the prejudice of the defendant." The language of the indictment could doubtless be made more accu gate; but we think it is not fatally defective. In brief of Counsel for defendant the following correction is of-

fered: "If the words 'or thereabouts' had been inserted after the words 'on the 11th day of May, 1904', the indictment could not be the subject of criticism or assault."

. Perhaps the following phraseology might be considered an improvement on the phraseology of the indictment: The said Paul Lovelace did in the night time of the 11th day of May. 1904, or in the night time of someday thereabouts the said 11th day

of May, 1904, enter, etc. Said Paul Lovelace did, in the night time, on or about the 11th day of May, 1904, enter, etc..... might perhaps be considered a little this is something of a departure from the form suggested in the statute con-

cerning the form of indictments. That mere grammatical, punctuational (if verbal "free coinage" may be allowed), rhetorical or linguistic error does not always vitiate is fully sustained by decisions of courts and text writers. The following notably excellent authority is cited to sus-

Cyclopedia of Law and Proceedure (Cyc.) vol. 6, page 199; and authorities there mentioned.

While this indictment, in the respects mentioned is in truth inartistically drawn, yet under the statutes and the diately, will be as follows until furauthorities above stated, we cannot say that it is fatally defective. The sections of the statute above quoted show that the legislative intent was that the courts of the State should give interpretations liberal to sustain now 25c. Take advantage of this orrather than rigid to overthrow indic ments when, as in this case substantial rights of defendants are not there by prejudiced: and as we have from the cuthy ity mentioned seen that

Inder the second head the error claimed is stated in the brief of Coun- The Board of Trustees of Carson sel for defendant as follows:

"On the trial of appellant the do position of one Ress, taken at the preliminary examination was read in ence could not be procured. or the woner interpretation of the

"He restified that he and appellant envoyed the store of Alexander Eurrell game of favo, roulette, roudo, kena, on the day paped in the indictment, or any other game not promitted by stole a lot of menigam of the value the statutes of the State of Nevada, species 394co and buried it a short or who shall carry on or operate any distance from the seems of the crime Appellant claims there was no test, nickle-in-the-slot-machine, or why many correlamative of that of Ross, shall carry on or conduct any bank-

In this contention Counsel is, we half form of a brist forms among the tottor points of coroberation, not now any other valuable thing or reprethis court is by us treated as a timene of the witness W. J. Pavidson obtain a city license to carry on such Agl. Assn. Bond Fund, Series "Annellant claims that this Indict- complice Ross, Davidson testifies that 4 21 common law, be-1 the decendant requested him (Davidthat the defendant "told him he would and bad not happened"—the amalgam was game so carried on shall be separated State school fund. Dist 2... 169 99

ed Davids . do about that damned suppression or regulation. am I going to

If this testimony tirely for the fury, there was corroborate. In or the on and after October 1, 1905. testimony of the accomplice Re 98. Defendant fails in sustaining eit, er

of his two points urged in argument for the reversal of the judgment. The judgment is therefore affirmed.

Fitzgerald, C. J. We Concur: Talbot, J.

Norcross, J.

Filed January 4, 1906.

TOURIST EXCURSION PARTIES TO

Over the Scenic Line of the World. If you are going east and want to save money, yett ravel with pleasure and comfort it will pay you to invest our personally conducted tourist excursions. The parties are in charge of a Manager who accompanies the cars through t oSt. Louis, Chicago and the Atlantic Coast and gives his personal attention to the welfare of each passenger in his charge. The schedules are arranged so you pass through the world-famed scenery on the Denver and Rio Grande Railroad by daylight. Opentop Obeservation cars (something entirely new) are free to all passengers. Let us know where you are going and we will be glad to give you full information about your trip, the lowest rates of fare and send you free of charge some handsome illustrated books of travel.

W. J. SHOTWELL, General Agent.

625 Market Street, San Francisco, Cal.

_____ Cattle and Horses. The City Marshal gives warning that all loose stock found on the streets from this time on will be empounded. A strict attention to this parties owning stock will take warncity ordinance will be enforced and ing. Empounding fines will be impos-

ed in every case.

Marshal.

LADIES: I make from \$18 to \$30 per week and want all to have the same opportunity. The work is very pleasant and will pay you very hanisomely for even your spare time. I speak from experience as I have frequently made \$5.00 in a single day. This is no deception. I want no Losses money and will gladly send full par- Dividends ticulars to all. Address,

> MRS. W. W. MITCHELL, Box. 10, Portland Maine.

Notice to Huntetrs.

person found hunting without a permit Premiums received on the premises owned by Theodo'e Losses paid Winters, will be prosecuted. A lip ited number of permits vill be sold better collocation of words, although at \$5 for the season or 50 cents for one day.

A. C. WINTERS. ---

Take a look at the new ties that are being shown at Platt's.

Liberal Offer.

I beg to advise my patrons that the price of disc records (either Victo Columbia), to take effect imme or

Ten inch disks formerly 70 cears will be sold for 60 cents.

Seven inch records formerly fac-C. W. FRIEND.

ORDINANCE NO. 112.

throw this indictment would seem too Ordinance for the Licensing of Games and Gambling Devices in Carson City.

City do ordain:

Section 1. Each and every person. firm, company, corporation, or assobecause he broke jail and ciation within the limits of Carson escaped before the trial and his pres- City, who shall carry on as agent, manager, owner or proprietor, any other device, whether the same be correborates the testimony of the 27 game, and shall pay or each license | B \$100.00 twenty-five dollars (\$25.00) per monch Co. School Fund. Dist. 1..... 388 95 sons to help him rob the store at provided that when more than one Co. School fund, Dist. 2 151 20 Edgemont", that is the store that was of said games are carried on in the Co, School fund Dist. 2...... 30 79 Davidson further testifies same room or apartment, whether to School Fund Dist. 4 24 00 have got the amalgam if something by the same or different owners, each State School fund, Dist. 1. 2605 bo 1 the article stolen in the robbery, ly licensed; and provided further, State School fund, dist.3 ... 120 00 Da. idson further testifies that the de- that the license imposed by this Or- State School fund, Dist 4 ... 165 00

> Section 2. The provisions of this Ordinance shall apply to all time

Section 3. Ordinance Number 53 and all other ordinances or parts of Ordinances in so far as they conflict with the provisions of this Ordi- Disbursements from Oct. 1st nance are herby repealed.

President of the Board of City Tras tees of Carson Chy, Nevada.

Attest: H. B. Van Etles, Clerk.

OFFICIAL COUNT OF STATE

STATE OF NEVADA. James G. Sweeney being duly sworn say they are members of the Board of Examiners of the State of Nev., that on the 29th day of Nov '05 they, (after having ascertained from the books of the State Controller the amount of money that should be in the Treasury) made an official examination and count of the money and vouchers for money in the State Tre asury of Nevada and found the same

correct as follows: \$151,107 29 Paid coin vonchers not re-

turned to Controller 16,835 71 167,945 00 Total State School Fund Securities. Irredeemable Nevada State 380,000 00 School bond Mass. State 3 per cent 537,000 00 bonds Nevada State Boads 253,700 00 Mass. State 31/2 per cent 313,000 00 215,000 00 United States Bonds

\$1,866,643.10 Total W. G. Douglass James G. Sweeney Subscribed and sworn before me this 29th day of November, A. D. 1905.

> ---ANNUAL STATEMENT

Notary Public, Ormsvy County, Nev.

Of The State Life Insurance Company Indianapolis, Ind. Capital (paid up) Assets (admitted) 3.160,083 31 Liabilities, exclusive of cent-2,615,497.63 tal and net surplus Income

Premiums Other sources 197,125 01 Total income, 1904 2,224,032 78 Expenditures 65,240 11 Other expenditures 1,050,102 76 Total expenditures, 1904

1,416,245 56 Business, 1904 Risks written 23,276,143 00 Premiums thereon Losses incured Nevada Business. Notice is hereby given that anv Risks written 10,000 00

5.000 00 W. S. Wynn Secretary ----New lines of foctwear a arriv! daily at Ed. Burlington's She Sto-He has been considera per . by delay in freight ld.

riving daily. You will in it law est and best lines f shoe ried in his store an. prices are at- Two quartz wagens, one wood and Wiard is closing out his \$20,000 ways the lowest. You can save one lew wheel wagen, also harness for

Quarterly Report.

OFFICE COUNTY AUDITOR Ormsby County, Nevada.

To the Hon-rable, the Board of Course ty Commissioners, Gentlemen: In compliance with the law, I herewith submit my quarterly repoint showing receipts and dishursements of Ormsby County, during the quarter ending Dec. 30, 1905.

Receipts. Balanc in County Treasury at end of last quarter ... \$40022 26% Send-Annual Set, State Treas 531 78. Sale of party 61 077 303

Disbursements.

Re pitulation.

Cash in Treasury October 1905 Receipts from Oct. 1st to Dec to Dec 30, 190521968 5914 Balonce cash in County Treas.

January 1, 1906 29108 7753 Respectfully submitted, H. DIETERICH,

County Auditor. Recapitulation

Co. Schood D st. 1, fund . 7638 2214 Co. School Dist. 2, fund 139 64 -Co. School Dist. 3, fund..... 196 2844 Co. School Dist. 3, 1 und 425 55 State School Dist. 1, fu. d. . . 1608 06 State School Dist. 2, fund. ... 77 54 State School Dist. 3, fund 371 39 State School Dist. 8, fund...3 71 39 State School Dist 4, fund 19 28 Agl. Assn. Fund A 680 \$2% Agl. Assn Fund, B...... 86 86 #

Agl. Assn Fund Special...1918 94 Co. School Dist. fund - special Co. School Dist. fund 1, library

Ce School Dist. fund 3, library Co. School Dist fund 4, library 10

> 39108 77% Respectfuly submitted H. B. VAN ETTEN

> > County Treasurer

Draying

MILLARD CATLIN,

Harling,

Freighting

Trunks and Baggage taken to and delivered as • all trains.

Ho. For the West.

Tell your friends that the colonist rates are going into effect March 1st, 1905 and expire May 15, 1905. The rate from Chicago, Ill, \$31.00, St. Louis Mo., New Orleans, La, \$30 00, Council Bluffs Ia., Sioux City. Ia., Omaho. Neb., Kansas City, Mo., Mineola, Texas and Houston Texas, \$25.00. Rates apply to Main Line points in Califor-

nia and Nevada. For Sale.

stock at a sacrifice. This is an op-money by purchasing footwear at six horses. Monse, barn and five lots